

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

GARRY L. TOLER,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00510
(Criminal No. 5:03-cr-00122)

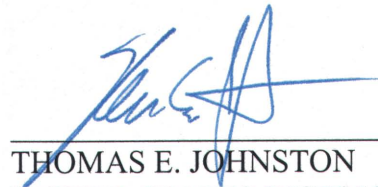
UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

For the reasons set forth in the Memorandum Opinion entered this day, the the Court **ADOPTS** the Supplemental PF&R [Docket 65] in its entirety, **DENIES** Petitioner's § 2255 Motion to Vacate, Set Aside or Correct Sentence [Docket 52], and **DISMISSES** the case from the active docket. The Court also **DENIES** Petitioner's Motion for Appointment of Counsel [Docket 50] filed in his criminal case, No. 5:03-cr-00122. The Clerk is **DIRECTED** to remove this case from the Court's docket and to send a certified copy of this Judgment Order and a copy of the accompanying Memorandum Opinion to counsel of record, Petitioner *pro se*, and Magistrate Judge VanDervort.

ENTER: June 9, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE